



CRP (PD) No.2560 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

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P.Palanisamy

... Petitioner

Vs

Saroja (deceased)

1. Jayanthi

2. Somanathan

3. Arthanaari @ Manjunathan

... Respondents

Prayer: The Civil Revision Petition filed under Article 227 of Constitution of India, against the Fair and Decreetal Order passed in I.A. No.5 of 2018 in RCOP No.1 of 2017 on 27.04.2019 by the District Munsif Cum Judicial Magistrate Court at Sathyamangalam.

For Petitioner : Mr.R.Thirumoorthy

ORDER

This revision is directed against an order dismissing an application in I.A.No.5 of 2018 filed by the petitioner before the learned Rent Controller, seeking rejection of two documents that were filed by the respondent, landlord.



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WEB COURT

2. The tenant is resisting the eviction proceedings launched by the landlord in RCOP No.1 of 2017. The tenant earlier filed O.S.No.187 of 2014 seeking a decree for permanent injunction restraining the landlord from evicting him except under due process of law. The said suit came to be decreed. Aggrieved by the said Judgment and decree, the landlord preferred an appeal in A.S.No.21 of 2017. The appeal came to be disposed by the Sub Court, Sathyamangalam on 05.01.2018, confirming the Judgment and decree of the trial Court. The appellate Court also granted liberty to the landlord to workout his right if there are any arrears of rent.

3. In the Rent Control Original Proceedings, when trial commenced, the landlord filed the decree and Judgment passed in the appeal as exhibits. Taking advantage of such filing, the unscrupulous tenant filed the instant application purportedly under Order XIII Rule 3 of the Code of Civil Procedure, which does not apply to the Rent Control proceedings, seeking rejection of the documents. The application that was filed in the year 2018 came to be disposed by the Court on 27.04.2019. It is, this order which is now sought to be challenged in this revision. I do not see any



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merit in the revision. What has been marked in the Judgment and decree inter parties rendered by the Competent Court. It is claimed that a second appeal has been filed and pending before this Hon'ble Court. Firstly the provisions of Order XIII Rule 3 of C.P.C., cannot be invoked in the RCOP proceedings. The Tamilnadu Buildings (Lease and rent Control) Act itself provides that the Civil Procedure Code would not apply to the proceedings of the Rent Control Courts. I do not see any reason to interfere with the order of the trial Court. The Revision therefore fails and it is accordingly dismissed. No costs. The learned Rent controller/ District Munsif cum Judicial Magistrate, Sathyamangalam is directed to dispose of RCOP No.1 of 2017 within a period of six months from the date of receipt of either a web copy or a certified copy of this order. No costs.

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vum

Index: Yes/No

Speaking order / Non speaking order



WEB COPY



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R.SUBRAMANIAN, J.

vum

To:

1. The District Munsif
cum Judicial Magistrate Court,
Sathyamangalam.
2. The Section Officer,
VR Section,
Madras High Court, Chennai.

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